IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA, 1928

Crl.MC.No. 4060 of 2006()

AGAINST THE JUDGEMENT/ORDER IN BA.6220/2006 Dated 03/11/2006
CRIME NO.579/06 OF THE KOTTIYAM POLICE STATION.

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PETITIONER: ACCUSED

RAKESH, AGED 23 YEARS,
S/O.BENJAM SINGH, AMBIKA VILASAM VEEDU,
ARIVALMUKKU, THAZHATHU CHERI,
MAYYANAD, KOLLAM.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR
SRI.DILEEP P.PILLAI
SRI.LAKSHMI RENJITH
SRI.T.K.SUJITH

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI.GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON ON 03/01/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 4060 OF 2006

Dated this the 3rd day of January, 2007

ORDER

The petitioner is one of the accused who faces allegations, inter alia, under Secs.326, 307 and 120B of the IPC. He was enlarged on bail as per order dated 3/11/2006 subject to conditions including the condition that he shall not enter the Sessions Division of Kollam for a period of four months and shall thereafter make himself available for interrogation before the Investigating Officer on the first working day of every month.

2. The learned counsel for the petitioner submits that the petitioner is facing grave difficulties on account of the conditions imposed. He has secured employment abroad. He wants to leave for his place of employment. If the conditions were continued to be insisted, he will lose his opportunity for employment abroad. Considering the peculiar circumstances of this case, the condition that the petitioner should report before the Investigating Officer after the

elapse of four months from 3/11/2006 may be dispensed with. This, in short, is the prayer. The learned counsel for the petitioner undertakes that the petitioner shall appear before the Investigating Officer or the court as and when directed if reasonable time is given to him to return from his place of employment abroad.

3. This application is not seriously opposed by the learned Public Prosecutor. But the learned Public Prosecutor submits that the presence of the petitioner later when required may be assured and insisted.

4. Having considered all the relevant inputs, I am satisfied that the said condition that the petitioner must appear before the Investigating Officer on the first working day of every month after 3/3/2007 can now be deleted subject to the rider that the petitioner must make himself available for interrogation as and when directed by the learned Magistrate. The petitioner shall furnish to the learned Magistrate and the Investigating Officer the address of the surety to whom notice should be served to intimate him of the requirement of his presence before the court/

the Investigating Officer.

5. This Crl.M.C. is, in these circumstances, allowed to the above extent.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge